

Translation

PATENT COOPERATION TREATY

PCT/JP2003/014921



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference NT1383PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/014921	International filing date (day/month/year) 21 November 2003 (21.11.2003)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC F02D 9/02, 11/10		
Applicant HITACHI, LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21 November 2003 (21.11.2003)	Date of completion of this report 27 July 2004 (27.07.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/014921

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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International application No.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	6, 7	YES
	Claims	1-5, 8-14	NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

### 2. Citations and explanations

Document 1: JP, 3364873, B2 (K.K. Yunishia Automotive), November 1, 2002 (11.01.02), Paragraphs 0017 and 0018, Figs. 1-5

& US, 5979405, A, Column 3, lines 27-53, Figs. 1-3

Document 2: JP, 2002-339766, A (Aisan Industry Co., Ltd.), November 27, 2002 (11.27.02), Paragraphs 0019 and 0020, Figs. 1-5

Document 3: JP, 2001-346351, A (Asmo Co., Ltd.), December 14, 2001 (12.14.01), Paragraphs 0028 and 0039, Figs. 1, 6-7 and 9

Document 4: JP, 2002-161759, A (Hitachi, Ltd.), June 7, 2002 (06.07.02), Paragraph 0079, Figs. 2, 7, 9 and 11

The inventions of claims 1, 3 and 4 are described in document 1 (column 3, lines 27-53, Figs. 1-3), document 2 (paragraphs 0019 and 0020, Figs. 1-5), and document 3 (paragraphs 0028 and 0039), Figs. 1, 6-7 and 9; therefore, they do not appear to be novel or involve an inventive step.

The inventions of claims 2 and 5 are described in document 2 and 3; therefore, they do not appear to be novel or involve an inventive step.

The inventions of claims 6 and 7 do not appear to involve an inventive step based on document 1, 2, or document 3 and document 4 (paragraph 0079, Figs. 2, 7, 9 and 11). Adding a stopper taught in document 4 to a body case of document 1, a throttle body of document 2, or an actuator body housing of document 3 would be easy for a party skilled in the art.

The invention of claim 8 is described in document 2; therefore, it does not appear to be novel or involve an inventive step.

The inventions of claims 9 and 10 are described in document 1, 2 and 3; therefore, they do not appear to be novel or involve an inventive step.

The inventions of claims 11 and 12 are described in document 3; therefore, they do not appear to be novel or involve an inventive step.

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box V:

The inventions of claims 13 and 14 are described in document 1; therefore, they do not appear to be novel or involve an inventive step.